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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,691	02/27/2002	Peter W. Utecht	878	6392

7590 06/17/2004  
Donald J. Ersler  
725 Garvens Avenue  
Brookfield, WI 53005

EXAMINER

HAUGLAND, SCOTT J

ART UNIT PAPER NUMBER

3654

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/084,691

Applicant(s)

UTECHT ET AL.

Examiner

Scott Haugland

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-22, 24-29, 31-35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24-29, 31-35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-22, 24-29, 31-35, and 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "one end extending from a bottom of said reel frame" in claim 20, line 7, claim 28, lines 9-10, and claim 35, line 15 is unclear. It is not clear whether this language requires the end to be attached to the bottom of the reel frame or to be spaced (extended from) the bottom of the reel frame.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-22, 24-29, 31-35, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cochran et al (U.S. Patent No. 4,545,720) in view of Egerstrom (U.S. Patent No. 4,066,093) and Prange (U.S. Patent No. 4,540,017).

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Cochran et al discloses a skid steer vehicle having a quick release mounting member 10 for detachably connecting a base frame (of 18) to the vehicle. The base frame is provided with top retention plates 20, lower slotted retention plates 24, and locking pins 38.

Cochran does not disclose providing a skid steer vehicle with a hose reel.

Egerstrom teaches providing a vehicle with a hydraulic reel comprising a base frame 18,20, a reel base 76 including upright members 84, a reel 28 holding a length of hose 44, and a hydraulic motor 62. The reel 28 is supported by a hollow axle 38 having a hose outlet (portion of hose 44 between axle 38 and jointing means 50). The reel has an opening 46 through which the hose passes for connection to the hose outlet. See Fig. 2. One end of the axle is sealed. A rotary union 60 attached to the other end. A pair of bearings (see claim 3 of Egerstrom) supports the axle on the reel base. The apparatus includes hose guide 120 one end of which extends from the reel base. A pulley 148 is mounted on the other end.

Prange teaches locating a hose guide below a hose reel to facilitate guiding of the hose into a sewer system located below the hose reel and a vehicle supporting the reel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cochran et al with a base frame mountable to the quick release mounting having a hose reel and hose guiding apparatus as taught by Egerstrom to permit the transport of a hose reel using the skid steer vehicle of Cochran et al in addition to the other handling devices which the vehicle of Cochran et al is

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capable of transporting, thus permitting the hose reel to be carried over terrain more suited to the use of a skid steer vehicle. It would have been further obvious to drive the hydraulic motor with hydraulic oil from the skid steer vehicle to eliminate the need for a duplicate pump. It would have been obvious to locate the hose guide taught by Egerstrom so as to extend from a bottom of the reel frame so that the guide is below the reel as taught by Prange to adapt the device for feeding hose into a region located below the vehicle.

With regard to claims 24, 31, and 37, it would have been obvious to provide a hydraulic valve for controlling flow of hydraulic oil to the hydraulic motor 62, such valves being well known in the art for controlling operation of motors.

With regard to claims 27 and 34, it would have been obvious to use roller bearings to support the reel since it is old and well known to use roller bearings to support rotary shafts with minimal friction and wear.

### ***Response to Arguments***

Applicants' arguments filed 4/5/04 have been fully considered but they are not persuasive.


Applicants argue that the extension unit (hose guide) 72 of Egerstrom does not include a pulley. However, the guide 72 includes rolls or pulleys 148 as claimed. It is also noted that Prange suggests the use of a pulley 20 for guiding a hose.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
sjh  
6/7/04



KATHY MATECKI  
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